NOTICE OF ALLOWABILITY

Drawings

1. The drawings were received on September 7, 2004. These drawings are accepted.

2. Claims 10, 13, 15, 16, 25-33 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 11, 23, 24 and 34-36, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 17-22 are, directed to the invention(s) of the concentrate do not require all the limitations of an allowable product claim, and have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups for claims 10, 11, 13, 15, 16, 23-26 and 28-39 as set forth in the Office action mailed on March 21, 2006 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Brian Shortell on June 5, 2008.

Cancelled claims 14, 17-22 and 27.

Replaced claim 10 with:

10. (currently amended) An oriented web produced from a perforated extruded sheet comprising a propylene polymer comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crystalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter, wherein the oriented web is biaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands that is at least 10% less than that of an otherwise identical biaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting sheet thickness and wherein the oriented web has a tensile strength measured at 2% elongation in the machine direction, that is at least 10% higher than that of an otherwise identical biaxially oriented web

made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting thickness.

Replaced claim 11 with:

11. (currently amended) A method for making a perforated oriented web, wherein the oriented web is uniaxially oriented or biaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands that is at least 10% less than that of an otherwise identical uniaxially oriented or biaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting sheet thickness and wherein the oriented web has a tensile strength measured at 2% elongation in the machine direction, that is at least 10% higher than that of an otherwise identical biaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting thickness, the method comprising the steps of:

(a) feeding a concentrate and a resinous propylene polymer to an extruder to melt from a polymeric sheet, wherein the concentrate comprises a propylene resin and a beta-nucleating agent, wherein the beta-nucleating agent is present in a concentration in a range of 1.2% to 0.036% by weight of the total polymer content,

(b) quenching the polymeric sheet at a quench temperature sufficient to produce a propylene sheet comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crystalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter,

(c) extruding the quenched sheet,

(d) perforating the extruded sheet, and

(e) orienting the perforated sheet uniaxially or biaxially, wherein the orienting step comprises heating the perforated sheet to a temperature less than or equal to 155 °C.

Replaced claim 25 with:

25. (currently amended) An oriented web produced from a perforated extruded sheet comprising a propylene polymer comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crystalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter, wherein the oriented web is uniaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands that is at least **10%** less than that of **an otherwise identical** uniaxially oriented web made from a perforated, extruded **propylene** sheet with no added beta nucleant and the same starting sheet thickness and wherein the oriented web has a tensile strength measured at 2% elongation in the machine direction, that is at least 10% higher than that of an otherwise identical uniaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting thickness.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

The present claims are deemed allowable over the references since the prior art fails to disclose or render obvious an oriented web produced from a perforated extruded sheet comprising a propylene polymer comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crystalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter, wherein the oriented web is biaxially or uniaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands that is at least 10% less than that of an otherwise identical biaxially or uniaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting sheet thickness and wherein the oriented web has a tensile strength measured at 2% elongation in the machine direction, that is at least 10% higher than that of an otherwise identical biaxially or uniaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting thickness or the method of making such a sheet.

The closest prior art discloses is Mercer (US Patent No. 4,374,798) and Jacoby et al. (U.S. Patent No. 5,310,584).

Mercer discloses a polypropylene web comprising a perforated sheet (*figures 1 and 2*) that is biaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands (*col. 2, lines 35-60*), however fails to disclose a polypropylene web comprising a propylene polymer comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crytstalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter.

Jacoby discloses a propylene polymer comprising beta-spherulites in an amount sufficient to produce a K-value of about 0.2 to 0.95 when measured by x-ray diffraction or to show a beta crytstalline melting peak during the first or second heating scan when measured using a differential scanning calorimeter, however fails to discloses web comprising a perforated sheet that is biaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands.

Both Mercer and Jacoby fail to disclose wherein the oriented web is biaxially or uniaxially oriented and wherein the web has thickness in the node junction region between the machine direction and transverse direction strands that is at least 10% less than that of an otherwise identical biaxially or uniaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting sheet thickness and wherein the oriented web has a tensile strength measured at 2% elongation in the machine direction, that is at least 10% higher than that of an otherwise identical biaxially or uniaxially oriented web made from a perforated, extruded propylene sheet with no added beta nucleant and the same starting thickness or the method of making such a sheet.

In view of the affidavits filed on October 26, 2007 and May 23, 2007 there is no motivation or suggestion to combine the disclosure of Jacoby with Mercer, since Jacoby is directed to a thermoformed non-perforated sheet for containers while Mercer discloses stretching of a perforated sheet in the solid state. Furthermore, Applicant has shown unexpected results with the thickness in the node junction region and the tensile strength of the instant claimed sheet in the affidavits filed on October 26, 2007 and May 23, 2007.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Chevalier/
Primary Examiner, Art Unit 1794
6/24/2008